

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 5

### REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 20 has been canceled, and the subject matter thereof has been incorporated into independent claim 1. Thus, claim 1 now recites that each glass fiber yarn used as the warp and/or weft is a sliver or a texturized yarn.

Withdrawn claim 12 is directed to a method of making the woven, patterned glass fiber textile of claim 1. Withdrawn claims 13-15 and 19 depend from claim 12. Applicants respectfully request rejoinder of such withdrawn claims upon the allowance of independent claim 1. See M.P.E.P. §821.04.

In the Official Action, claims 1, 3, 4, 6, 7, 11, 20 and 21 stand rejected under 35 U.S.C. §103(a) as being obvious over European Patent Document No. 1 162 306 (*Draxo et al*) in view of U.S. Patent No. 4,586,934 (*Blalock et al*) and further in view of U.S. Patent No. 6,267,151 (*Moll*). Reconsideration and withdrawal of this rejection are respectfully requested for at least the following reasons.

Independent claim 1 is directed to a woven, patterned glass fiber textile fabric comprised of a glass fiber yarn with a titer of from about 30 to 75 tex as the warp, and a glass fiber yarn having a titer ranging from 190 to 350 tex as the weft, wherein the warp density of the fabric ranges from 2.5 to 5 threads/cm and the weft density ranges from 2.0 to 12 threads/cm, wherein the woven, patterned glass fiber textile fabric is formed from a Jacquard weaving process using a Jacquard loom. As discussed above, such claim has been amended to further specify that each glass fiber yarn used as the warp and/or weft is a sliver or a texturized yarn.

Docket No. JM 7343-1  
Application No. 10/736.117  
Page 6

Applicants have discovered that when a woven fabric is prepared in accordance with the parameters set forth in the present claims, the resultant textile is beautifully patterned and aesthetically pleasing to the sight and touch. Accordingly, by selecting a warp and weft titer and warp and weft density within the ranges set forth in the present claims, beautifully patterned woven textiles can be prepared on a Jacquard loom without being constrained within the limits described in *Moll*. These results were surprising and could not have been expected from the teachings of the cited documents.

*Draxo et al* does not disclose or suggest each feature recited in independent claim 1. For example, as acknowledged at section 3 of the Official Action, *Draxo et al* does not disclose or suggest a woven, patterned glass fiber textile fabric that is formed from a Jacquard weaving process using a Jacquard loom, as recited in claim 1. As discussed above, use of such Jacquard weaving process using a Jacquard loom in accordance with an exemplary aspect of the present invention, results in a textile that is unique and aesthetically pleasing to the sight and touch.

It is noted that *Moll* addresses the problem of processing glass yarns on a pattern-controlled Jacquard loom. However, *Moll* discloses specific parameters of the titer of the glass yarn used in the warp and weft, and teaches away from operating outside of such parameters. In this regard, *Moll* discloses the following at column 1, lines 36-50:

For the warp, a glass fiber yarn with a titer of between 130 tex and 150 tex, and preferably between 139 tex and 142 tex and, for the filling, a glass fiber yarn with a titer between 190 tex and 400 tex, and preferably of 215 tex are used, the fluctuations in titer being less than  $\pm 10\%$  and preferably less than  $\pm 7\%$ .

Processing of glass fibers on Jacquard machines has never been successful previously. This is the reason why patterned glass fabrics previously were unavailable. However, very extensive experiments, on which the present invention is based, show that patterned glass fabrics can be produced after all by adhering to the above-addressed limiting values.

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 7

especially the very narrow fluctuations in titer, that is, in the weight of 1,000 meters of the glass fiber yarn used. [Emphases added.]

*Moll* clearly teaches that one must use a glass fiber warp yarn having a titer of 130 to 150 tex, preferably 139-142 tex, and a glass fiber filling yarn with a titer between 190 tex and 400 tex, preferably 215 tex, in order to employ a Jacquard weaving process in the manufacture of a glass fiber textile. In view of such teaching, it would not have been obvious to employ the 34 to 68 tex glass fiber yarn as the warp as disclosed by *Draxo et al*, in the Jacquard weaving process of *Moll*. Quite clearly, *Moll* teaches away from employing such substantially lower warp titer values disclosed by *Draxo et al* in its Jacquard weaving process.

Furthermore, *Draxo et al* fails to disclose or suggest that each glass fiber yarn used as the warp and/or weft is a sliver or a texturized yarn, as is now recited in claim 1. In this regard, the Patent Office has relied on *Blalock et al* for disclosing the use of glass sliver yarn. Official Action at section 3. However, it is respectfully submitted that upon a fair and complete reading of the disclosures of *Draxo et al* and *Blalock et al*, it would not have been obvious to modify the glass fiber wallcovering disclosed by *Draxo et al* by incorporating the glass sliver yarn of *Blalock et al*.

In this regard, it is noted that *Draxo et al* relates to a glass fabric wallcovering which is applied to a wall using less complicated and time consuming procedures, and specifically to a wallcovering that requires only one coat of paint (see paragraphs 0001-0010). *Draxo et al* discloses that typical painting procedures of wallcoverings are cost-intensive and time consuming, and to address this issue, a wallcovering is provided that is formed by applying a chemical dispersion which contains binders and pigments to a glass fabric, which results in a pre-painted fabric that requires only a single painting step by the end user (paragraphs 0001-0002 and 0039).

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 8

By comparison, *Blalock et al* relates to a process and apparatus for coloring textile yarns to produce a tone-on-tone or striated appearance when such yarns are utilized to form a woven fabric (col. 1, lines 15-18; Fig. 3). While *Blalock et al* discloses that glass sliver yarns can be used to obtain a fabric having the desired tone-on-tone or striated appearance, *Draxo et al* discloses a wallcovering formed from a pre-painted fabric, wherein such pre-painted fabric is subjected to an additional painting step, as discussed above. Clearly, the benefit of obtaining a distinct tone-on-tone or striated appearance by using the *Blalock et al* yarn would not have been realized if such yarn was incorporated into the *Draxo et al* fabric, given that the *Draxo et al* fabric is pre-painted and that the wallcovering is subjected to an additional painting step. Such a modification would have been irrational given the subsequent pre-painting of the fabric and painting of the wallcovering.

Nor would there have been a reasonable expectation that using the colored glass sliver yarns of *Blalock et al* as the weft yarns in the woven fabrics of *Draxo et al* would have been successful, given that the preferred sliver yarn in *Blalock et al* has a tex of 666 which is substantially outside the 165-550 range of *Draxo et al*, and the other suitable sliver yarn disclosed by *Blalock et al* (333 tex) has a diameter of about 5 microns (i.e., half of the 666 tex yarn according to column 5, line 33) which is substantially below the 8-11 micron range disclosed in *Draxo et al* for weft yarns (paragraph 0018).

Furthermore, it is unclear from the Official Action why the ribbon-like colored glass sliver yarns of *Blalock et al* having the aforementioned characteristics would be suitable or desirable as the weft yarns in the glass fiber fabrics of *Draxo et al*. Nor has the Patent Office indicated what advantages would be attained by using the glass sliver yarns of *Blalock et al* in the fabrics of *Draxo et al*. In the absence of any supporting disclosure in *Blalock et al*, the argument that it would have been obvious to select a glass sliver yarn in the glass fabrics of

Docket No. JM 7343-1  
Application No. 10/736,117  
Page 9

*Draxo et al* is mere conjecture, and is not based on any disclosure in the applied art which suggests the desirability to modify the invention of *Draxo et al* to arrive at the presently claimed invention.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness has been established. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

JOHNS MANVILLE

Date: December 17, 2007

By:



Robert D. Touslee

Registration No. 34,032

P.O. Box 625005  
Littleton, CO 80162  
(303) 978-3927